

IN THE MATTER OF THE APPLICATION OF
ARBUTUS BUSINESS CENTER CO. FOR A ZONING
VARIANCE ON PROPERTY LOCATED ON THE
SOUTHWEST SIDE OF BENSON AVENUE AND
SULPHUR SPRING ROAD
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-493-A

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 8, 1989 granting the Petition with certain restrictions. At the onset of the hearing, the attorney for the Petitioner made a Motion to Withdraw the Petition for the sign variance and indicated the Petitioner would restrict his signs to those permitted under the Baltimore County Zoning Regulations (BCZR). The Board will therefore grant the withdrawal of the Petition and deny the requested variance.

ORDER

It is therefore this 5th day of February, 1990 by the County Board of Appeals of Baltimore County ORDERED that the variance to permit a 200 square foot per face park identification sign in lieu of the permitted 150 square foot per face identification sign be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
John G. Disney
Lynn B. Moreland

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-493-A

District: 13th Date of Posting: July 31-89
Posted for: Appeal
Petitioner: Arbutus Business Center Co.
Location of property: SW/S of Benson Avenue and Sulphur Spring Road
Location of Signs: South west side of Sulphur Spring Road
Remarks: in front of subject property
Posted by: S. J. Gault
Number of Signs: 1 Date of return: August 4-89

RE: PETITION FOR ZONING VARIANCE : BEFORE THE DEPUTY ZONING COMMISSIONER
SW/S Benson Ave. & Sulphur
Spring Rd., 13th Election Dist.: OF BALTIMORE COUNTY
1st Councilmanic District
ARBUTUS BUSINESS CENTER CO., Case No. 89-493-A
Petitioner

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of June 7, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

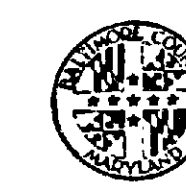
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 29th day of July, 1989, a copy of the foregoing Notice of Appeal was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Ave., Suite 205, Towson, MD 21204, Attorney for Petitioner.

RECEIVED
6-29-89
ZONING OFFICE

Phyllis Cole Friedman
Phyllis Cole Friedman



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 434-3182 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

September 26, 1989
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-493-A ARBUTUS BUSINESS CENTER CO.
SW/S Benson Avenue and Sulphur Spring Road
13th Election District
1st Councilmanic District
VAR - to permit a 200 sq. ft. per face park identification sign in lieu of the permitted 150 sq. ft. per face identification sign.
6/8/89 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: TUESDAY, JANUARY 30, 1990 at 1:00 p.m.

cc: Mr. James L. Smith - Arbutus Business Center Co. Petitioner

Anthony Julio, V.P. - Hill Mgmt. Co.

Benjamin Bronstein, Esquire Counsel for Petitioner

Mr. James Mattis - George W. Stephens, Jr. & Associates, Inc.

People's Counsel for Baltimore County
P. David Fields
Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Lindalee M. Kuszmaul
Legal Secretary

12/1/89
to be dismissed
per Ben Bronstein

IN THE MATTER OF THE APPLICATION OF
ARBUTUS BUSINESS CENTER CO. FOR A ZONING
VARIANCE ON PROPERTY LOCATED ON THE
SOUTHWEST SIDE OF BENSON AVENUE AND
SULPHUR SPRING ROAD
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-493-A

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 8, 1989 granting the Petition with certain restrictions. At the onset of the hearing, the attorney for the Petitioner made a Motion to Withdraw the Petition for the sign variance and indicated the Petitioner would restrict his signs to those permitted under the Baltimore County Zoning Regulations (BCZR). The Board will therefore grant the withdrawal of the Petition and deny the requested variance.

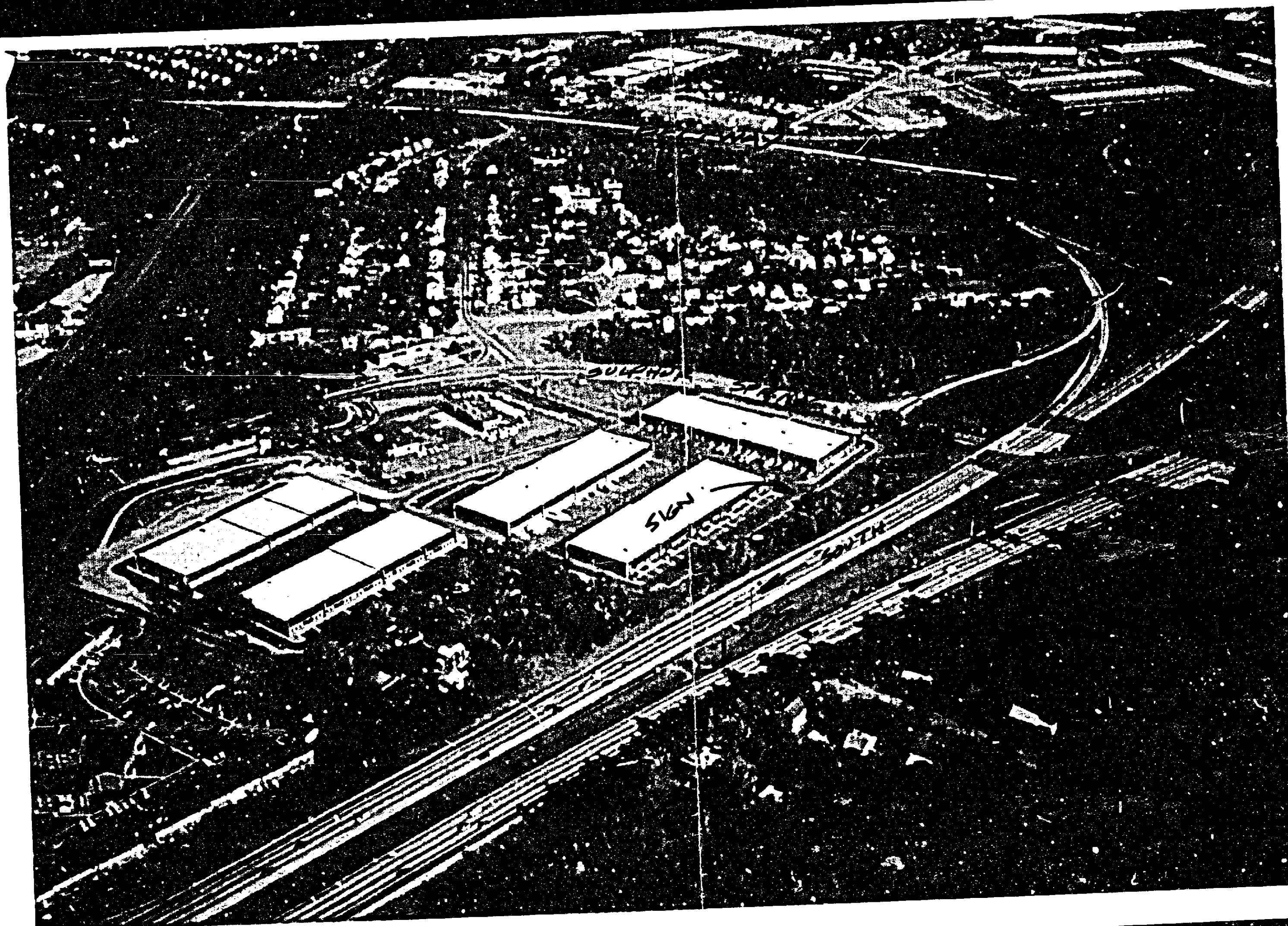
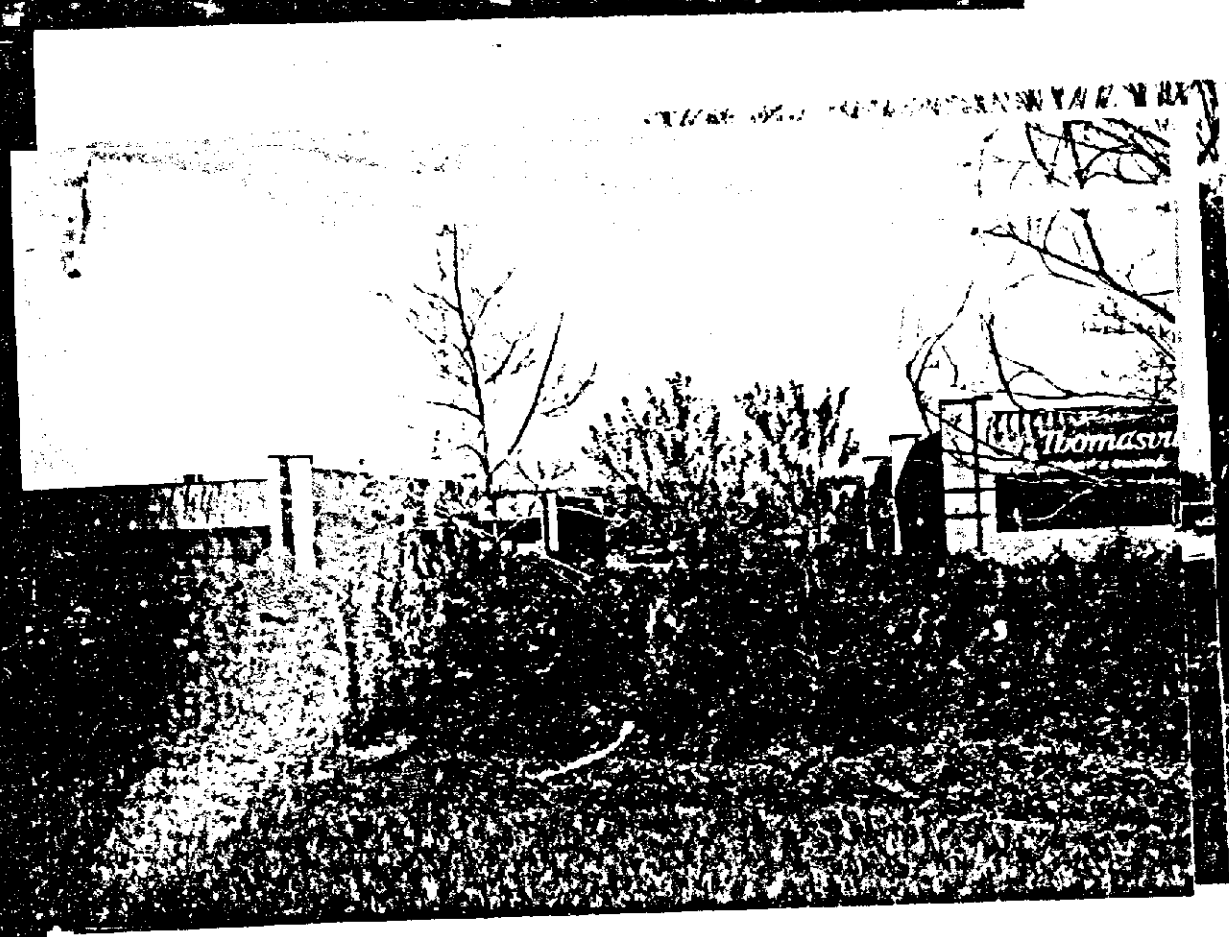
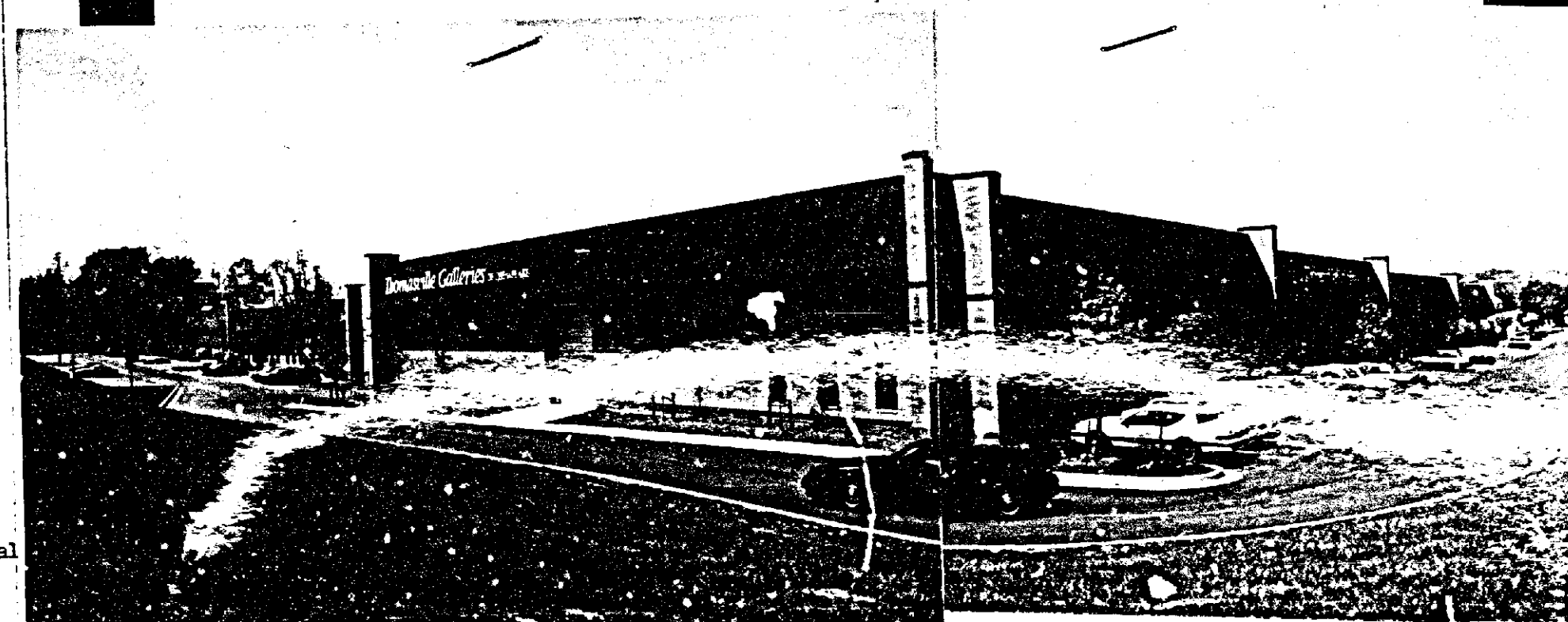
ORDER

It is therefore this 5th day of February, 1990 by the County Board of Appeals of Baltimore County ORDERED that the variance to permit a 200 square foot per face park identification sign in lieu of the permitted 150 square foot per face identification sign be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
John G. Disney
Lynn B. Moreland

PETITIONER(S) EXHIBIT (3)



Rebman's
Exhibit
2

IN RE: PETITION FOR ZONING VARIANCE
SW/S Benson Avenue and
Sulphur Spring Road
13th Election District
1st Councilmanic District
Arbutus Business Center Co.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-493-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit one identification sign of 200 sq.ft. per side (400 sq.ft. total) in lieu of the permitted 150 sq.ft. per side, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Anthony J. Julio, Vice President, Hill Management Company, Project Manager for the Petitioners, appeared, testified, and was represented by Benjamin Bronstein, Esquire. Also appearing on behalf of the Petition was James Matis, Engineer with G. W. Stephens, Jr. & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property consists of 20.4 acres more or less zoned M.L., is located on New Sulphur Spring Road and New Waelchi Avenue, and is surrounded by I-95 and I-695. Said property is improved with five (5) office/warehouse buildings as depicted in Petitioner's Exhibit 1. Testimony indicated the requested variance is necessary as Petitioner's have received numerous complaints from its tenants regarding the difficulty their patrons have had identifying the site. Petitioners contend the size of the proposed sign is necessary due to the heavily wooded and landscaped nature of the property as depicted in Petitioner's Exhibits 2 and 3. Petitioners contend the granting of the variance will not result in any detriment to the health, safety or general welfare of the public.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, a variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of June, 1989 that a variance to permit one identification sign of 175 sq.ft. per side (350 sq.ft. total) in lieu of the permitted 150 sq.ft. per side, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 2 -

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is conditioned upon the Petitioners not subdividing the subject property. If the property is at any time subdivided, Petitioner must remove the sign granted herein and replace same with a sign in strict compliance with the B.C.Z.R. in effect at that time, and/or request a new variance.

3) The sign is limited to identifying the business center as follows: "Arbutus Business Center". At no time shall tenants of the center be listed or named on the sign.

4) Prior to the issuance of any permits, Petitioners shall submit a revised site plan evidencing all five office/warehouse buildings and all other structures existing on the subject property.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN-bjs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.66 TO PERMIT 1.200SF PER FACE PARK IDENTIFICATION SIGN...
IN LIEU OF THE PERMITTED 150SF PER FACE IDENTIFICATION SIGN.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Configuration of property.
2. And for such other and further reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s): ARBUTUS BUSINESS CENTER, CO.
(Type or Print Name)	(Type or Print Name)
Signature	BY: <u>James J. Smith</u> Signature GENERAL PARTNER
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner: BENJAMIN BRONSTEIN AND EVANS, GEORGE & BRONSTEIN	10 PARKS AVENUE 628-6000
(Type or Print Name)	Address Phone No.
Signature	COCKEYSVILLE, MARYLAND 21030
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
TOWSON, MARYLAND 21204	G.W. STEPHENS, JR. & ASSOCIATES
City and State	Name
Attorney's Telephone No.: 296-0200	303 ALLEGHENY AVENUE, TOWSON, MD 21204
	Address Phone No.
	825-8120

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of June, 1989, at 2 o'clock P.M.

(over)

RE: PETITION FOR ZONING VARIANCE : BEFORE THE DEPUTY ZONING COMMISSIONER
SW/S Benson Ave. & Sulphur :
Spring Rd., 13th Election Dist.: OF BALTIMORE COUNTY
1st Councilmanic District
ARBUTUS BUSINESS CENTER CO., : Case No. 89-493-A
Petitioner

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of June 8, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
687-2188

I HEREBY CERTIFY that on this 5th day of June, 1989, a copy of the foregoing Notice of Appeal was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Ave., Suite 205, Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
PAYMENT
ZONING OFFICE

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning
Petition for Variance,
Arbutus Business Center.

March 10, 1989

Beginning for the same at a point on the south side of Sulphur Spring Road, said point distant South 28° 00' 00" West 94'± from the intersection of the centerlines of Benson Avenue and Sulphur Spring Road running thence and binding along the south side of Sulphur Spring Road the seven following courses, viz:

- 1 - North 85° 52' 37" East 19.15'
- 2 - North 89° 38' 13" East 182.80'
- 3 - South 58° 05' 03" East 94.54'
- 4 - South 80° 33' 47" East 143.26'
- 5 - South 45° 47' 54" East 86.29'
- 6 - South 45° 21' 53" East 160.25'
- 7 - South 52° 32' 03" East 200.00' thence leaving said Sulphur Spring Road
- 8 - South 01° 41' 36" West 89.72'
- 9 - South 55° 39' 51" West 99.27'
- 10 - South 04° 51' 47" West 67.36'
- 11 - South 55° 07' 02" West 49.66'
- 12 - South 44° 43' 57" West 197.45'
- 13 - South 67° 24' 57" West 76.66'
- 14 - South 51° 54' 02" West 80.84'
- 15 - South 49° 10' 20" West 150.00'
- 16 - South 65° 33' 43" West 17.72'
- 17 - South 53° 51' 29" West 23.83'
- 18 - North 49° 52' 09" West 255.52'
- 19 - South 39° 30' 21" West 422.60' to a point in Waelchi Avenue running thence in Waelchi Avenue
- 20 - North 48° 17' 39" West 572.26' to a point on the east side of Waelchi Avenue running thence and binding along the east side of Waelchi Avenue the four following courses, viz:
- 21 - North 00° 3' 19" East 221.70'
- 22 - South 88° 01' 45" East 3.77'
- 23 - by a curve to the right having a radius of 126.91' for an arc length of "20.61"
- 24 - North 56° 24' 15" East 325.34' thence leaving Waelchi Avenue

Description to Accompany Zoning
Petition for Variance,
Arbutus Business Center.

March 10, 1989
Page -2-

- 25 - South 33° 30' 42" East 300.00'
- 26 - North 56° 29' 18" East 427.46'
- 27 - North 33° 30' 42" West 100.00' and
- 28 - North 43° 53' 42" West 197.33' to the place of beginning.
Containing 19.9 acres.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND NOT FOR USE IN CONVEYANCE OF LAND.



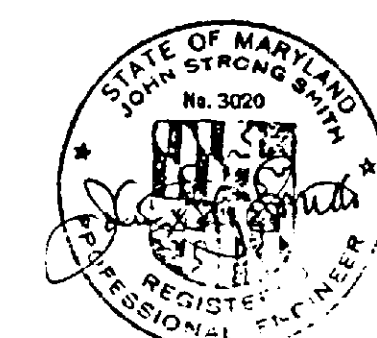
Description to Accompany Zoning
Petition for Variance,
Arbutus Business Center.

March 10, 1989

Beginning for the same at a point distant South 53° 00' 00" East 846'± from the intersection of the centerlines of Benson Avenue and Sulphur Spring Road running thence the five following courses, viz:

- 1 - South 04° 51' 47" West 67.36'
- 2 - South 55° 07' 02" West 49.66'
- 3 - South 44° 43' 57" West 96'
- 4 - North 45° 16' 03" West 34' and
- 5 - North 44° 43' 57" East 198' to the place of beginning.
Containing 0.15 acres.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND NOT FOR USE IN CONVEYANCE OF LAND.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(800) 887-3333

J. Robert Haines
Zoning Commissioner

June 8, 1989



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S Benson Avenue and Sulphur Spring Road
13th Election District - 1st Councilmanic District
Arbutus Business Center Co. - Petitioners
Case No. 89-493-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

C. M. Natarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S Benson Ave. & Sulphur :
Spring Rd., 13th Election Dist.: : OF BALTIMORE COUNTY
1st Councilmanic Dist. :
ARBUS BUSINESS CENTER, CO., : Case No. 89-493-A
Petitioner :
: :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 19th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, and Evans, George & Bronstein, 29 W. Susquehanna Ave., Ste. 205, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property of Arbutus Business Center, Co. at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m.

Petition for Zoning Variance
Case number: 89-493-A
S/W Side Benson Avenue and Sulphur Spring Road
13th Election District
1st Councilmanic District
Petitioner(s):
Arbutus Business Center, Co.
Hearing date: Tuesday, June 6, 1989 at 2:00 p.m.

Variance: To permit one (1) 200 sq. ft. per face park identification sign in lieu of the permitted 150 sq. ft. per face identification sign.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the appeal for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
ARBUS 5/12/89 May 11

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property of Arbutus Business Center, Co. at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m.

Petition for Zoning Variance
Case number: 89-493-A
S/W Side Benson Avenue and Sulphur Spring Road
13th Election District
1st Councilmanic District
Petitioner(s):
Arbutus Business Center, Co.
Hearing date: Tuesday, June 6, 1989 at 2:00 p.m.

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
ARBUS 5/12/89 May 11

Office of PATUXENT Publishing Company

10750 Line Patuxent Pkwy.
Columbia, MD 21044

19

IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: X THE JEFFERSONIAN
☐ Catonsville Times ☐ Booster Weekly
☒ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier

daily newspapers published in Baltimore County, Maryland
once a week for successive weeks before
the day of the hearing, that is to
say, the same was inserted in the issues of

May 11, 1989

PATUXENT PUBLISHING COMPANY
By *S. Z. Orlan*

P012490
reg M 28968
no 89-493-A
price \$63.53

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

April 28, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-493-A
S/W Side Benson Avenue and Sulphur Spring Road
13th Election District - 1st Councilmanic District
Petitioner(s): Arbutus Business Center, Co.
HEARING SCHEDULED: TUESDAY, JUNE 6, 1989 at 2:00 p.m.

Variance to permit one (1) 200 sq. ft. per face park identification sign in lieu of the permitted 150 sq. ft. per face identification sign.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Arbutus Business Center, Co.
Benjamin Bronstein, Esq.
File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

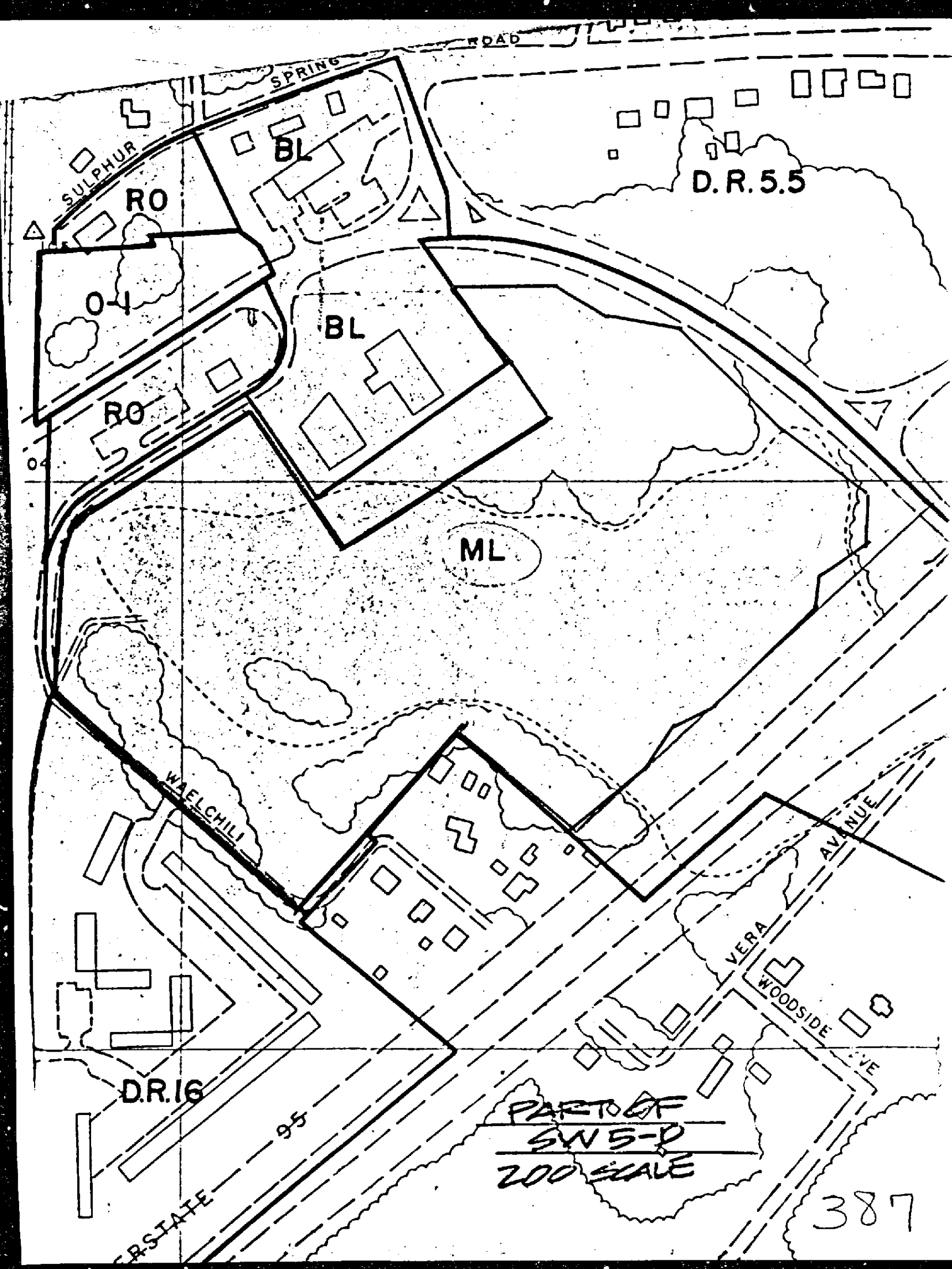
Levy J. J. J.
James Matis

ADDRESS
25 Susquehanna Bldg. Towson 21204
444-2000
303 AUBURN AVE TOWSON MD 21204

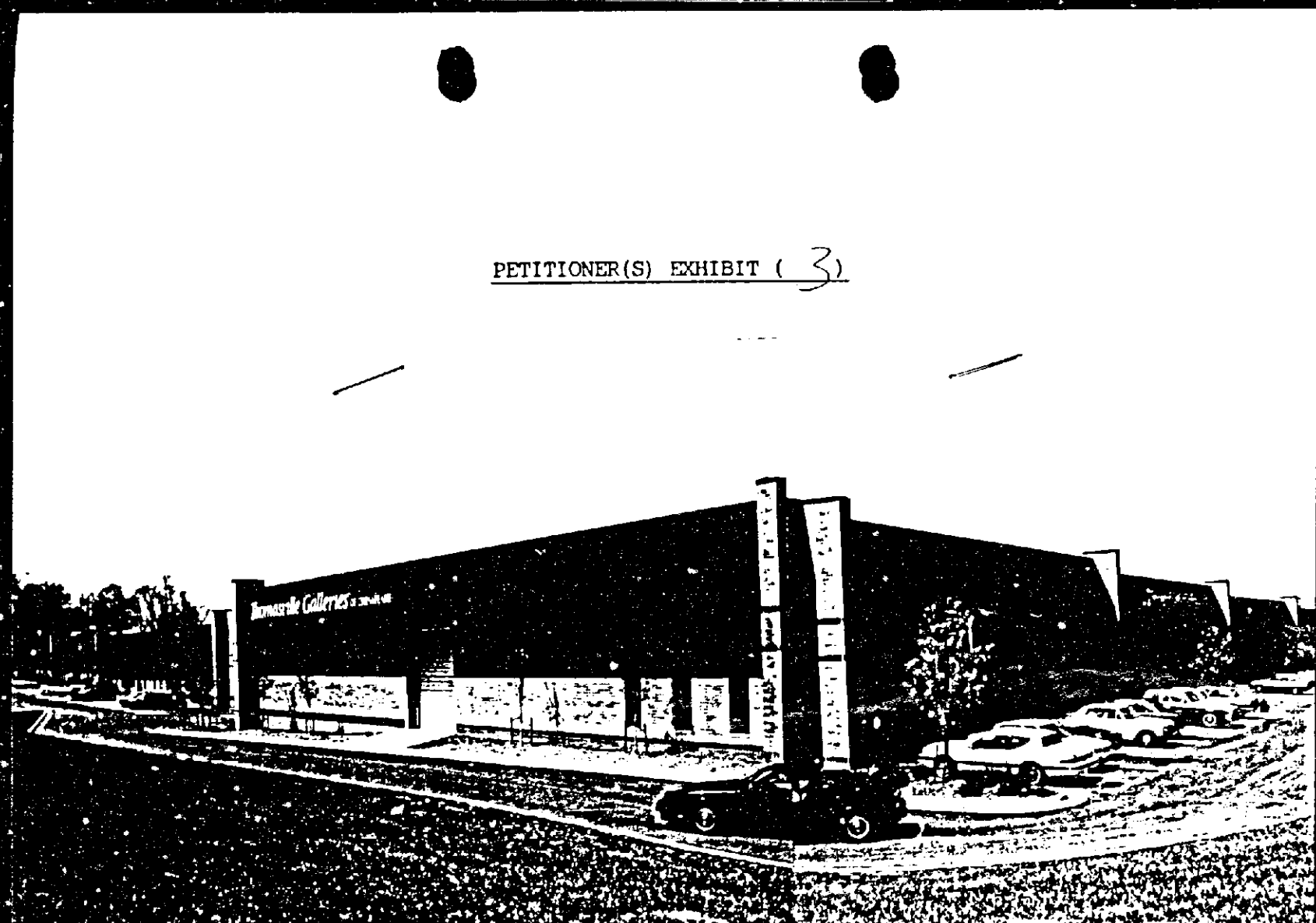
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-493-A

District: *13th* Date of Posting: *May 15, 1989*
Posted for: *Variance*
Petitioner: *Arbutus Business Center, Co.*
Location of property: *S/W Side Benson Avenue and Sulphur Spring Road*
Location of Sign: *S/W Side of Sulphur Spring Road in front of subject property*
Remarks: *See above*
Posted by: *S. J. J.* Date of return: *May 14, 1989*
Number of Signs: *1*



PETITIONER(S) EXHIBIT (3)



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

DATE: June 5, 1989

Case No. 89-493-A
Item No. 387

Re: Arbutus Business Center, Co.

The Petitioner requests a variance to allow a single faced 200 square foot park ID sign in lieu of the permitted 150 square foot per face sign. In reference to this request, staff offers the following comment:

This office opposes any additional area on signs whose purpose is to advertise the business to beltway or expressway traffic. In this case, the Petitioner will not be adversely affected by maintaining the permitted 150 square foot area.

A:6589.txt Pg. 1

89-493-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
79th day of _____, 1989.

J. Robert Haines
J. Robert Haines
Zoning Commissioner

Petitioner: Arbutus Business Center
Petitioner's Attorney: Benjamin Bronstein, Esquire

Received by: James M. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 18, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Benjamin Bronstein, Esquire
Evans, George & F. Weinstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 387, Case No. 89-493-A
Petitioner: Arbutus Business Center, et al
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: G. W. Stephens, Jr. & Associates
303 Allegheny Avenue
Towson, MD 21204

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 11, 1989

Mr. J. Robert Haines
Zoning Administrator
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Arbutus Business Center
Zoning meeting 3/28/89
S/W side of Benson Avenue
and Sulphur Spring Road
at I-95 S/W of I-695
Item # 387

Dear Mr. Haines:

We have received two additional copies of this plan, and have forwarded them to our Planning Department to be revised to show any impact to this site from our future beltway improvements.

This revised plan will be forwarded to you. If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr., Chief
Engineering Access Permits
Division

LB/es

cc: G.W. Stephens, Jr. and Assoc.
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

ZONING OFFICE

April 14, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Arbutus Business Center
Zoning Meeting 3/28/89
Revised comments
I-695 Baltimore Beltway
at I-95 interchange
Item #387

Dear Mr. Haines:

After a review by our Planning Department, we find there will be no impact to this site from our future Beltway improvements.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr., Chief
Engineering Access Permits
Division

LB/es

cc: G.W. Stephens, Jr. and Associates
Mr. J. Ogle

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 14, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

Re: Sign: Arbutus
Business Center
11/10 287

Dear Mr. Haines:

This letter is in answer to the letter from Mr. Creston J. Mills, Jr., Chief, Bureau of Engineering Access Permits dated March 23, 1989 to you concerning the above.

A representative from the office of Highway Beautification Section, Mr. George Dawson has inspected the location for the proposed sign and found that it will be an on-premise sign. This office does not control an on-premise sign except if a determination is made that it is a traffic hazard. The sign cannot project into the State's Right-of-Way.

If there is any further information needed, please do not hesitate to contact this office.

Sincerely,

Mary J. Benner
Mary J. Benner
Acting Chief
Highway Beautification
Section

MJB:jsk
cc: Mr. George Dawson
Inspector - District #4
Brooklandville

My telephone number is (301) 333-1641

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

RECEIVED
ZONING OFFICE

March 23, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Arbutus Business Center
Zoning meeting 3/28/89
S/W side Benson Avenue
and Sulphur Spring Road
at I-95 S/W of I-695
Item #387

Dear Mr. Haines:

After reviewing the submittal for a variance to permit 1200 square foot per face park identification sign in lieu of the permitted 150 square foot per face sign, we have forwarded this plan to our Highway Beautification Section (333-1642), for all comments relative to zoning.

We will require two additional copies of the plan for this site from the developers engineer for review by our Planning Department concerning any impact to this site from our future beltway improvements.

Contact Larry Brocato (333-1350), if you have any questions.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

LB/es

cc: G.W. Stephens Jr. and Assoc. Inc
Mr. J. Ogle
Mrs. M. Benner

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building,
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 385, 386, 387, 390 and 391.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-5700

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Arbutus Business Center, Co.

Location: SW side Benson Ave., and Sulphur Spring Road

Item No.: 387 Zoning Agenda: March 23, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*
Planning Group
Special Inspection Division

NOTED & APPROVED: *Paul H. Reincke*
Fire Prevention Bureau

/s/

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

July 17, 1989

RECEIVED
JUL 18 1989

ZONING OFFICE

RE: Case No. 89493A, Case No. 89485A
and Case No. 89490A

Dear Ms. Nastarowicz:

Reference is made to our conversation and my letter of July 11, 1989 pertaining to the above entitled variance request.

Enclosed please find the proposed text for the Golden Ring Business Center. Obviously, the text would be changed for the Arbutus Business Center and the Sulphur Spring Business Center. All signs are to be lighted from within.

I would be happy to discuss this matter with you at your earliest convenience.

Thank you for your kind consideration.

Very truly yours,

EVANS, GEORGE & BRONSTEIN

Benjamin Bronstein

BB/jcc
enclosure

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 21, 1989



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: Petitions for Zoning Variance
N/S Golden Ring Road, 990' SE of the c/l of
the Intersection of I-695 and Pulaski Highway
15th Election District - 7th Councilmanic District
GRBC Realty Company - Petitioner
Case No. 89-485-A

NW/Corner Sulphur Spring and Old Georgetown Roads
13th Election District - 1st Councilmanic District
Sulphur Spring Business Park Realty Co. - Petitioner
Case No. 89-490-A

SW/S Benson Avenue and Sulphur Spring Road
13th Election District - 1st Councilmanic District
Arbutus Business Center, Co. - Petitioner
Case No. 89-493-A

Dear Mr. Bronstein:

In response to your letter dated July 11, 1989 on the above-captioned matters, please be advised that inasmuch as an appeal was filed on all three cases on June 29, 1989, I will not reconsider your request for modification and issue an amended Order as requested. It is my opinion that this matter should be resolved at the Board of Appeals' level.

If you have any questions on the subject, please feel free to call me.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Peoples Counsel

Files

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

July 11, 1989

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 89493A, Case No. 89485A
and Case No. 89490A

Dear Ms. Nastarowicz:

As you know, I have asked you for your consideration in revising the orders in the above entitled matters. I have asked my client to provide sign text for each sign. As soon as I receive them I will promptly forward them for your consideration.

Thank you for your kind cooperation.

Very truly yours,

EVANS, GEORGE & BRONSTEIN

Benjamin Bronstein

BB/jcc

RECEIVED
JUL 19 1989

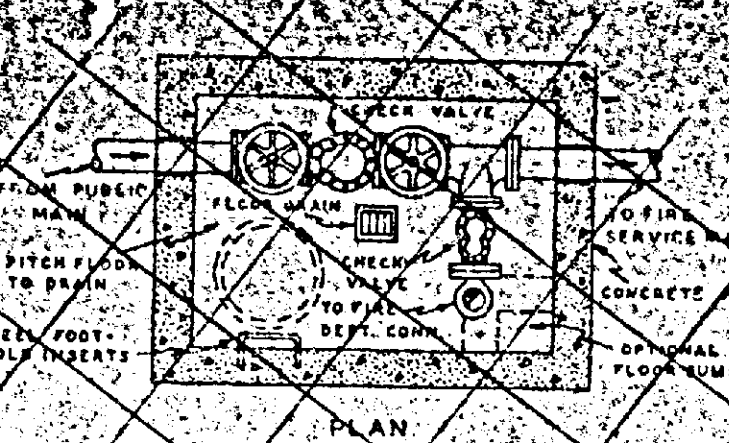
ZONING OFFICE

GOLDENRING
BUSINESS CENTER
WAREHOUSE/OFFICE
666-1000 HILL

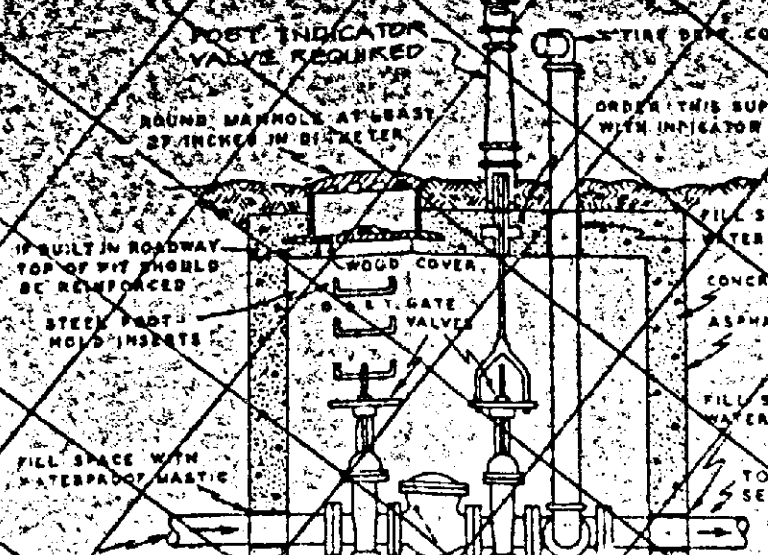
THIS SKETCH PROPERTY OF
DMS
SIGN CONNECTION INC.
101 LOCKPORT AVE. MT. AIRY, NC 27030
831-7530
SKETCH NO. 7-13-89
DATE 7-13-89
SCALE 3/4" = 1'0"
REPRESENTATIVE

[illegible]

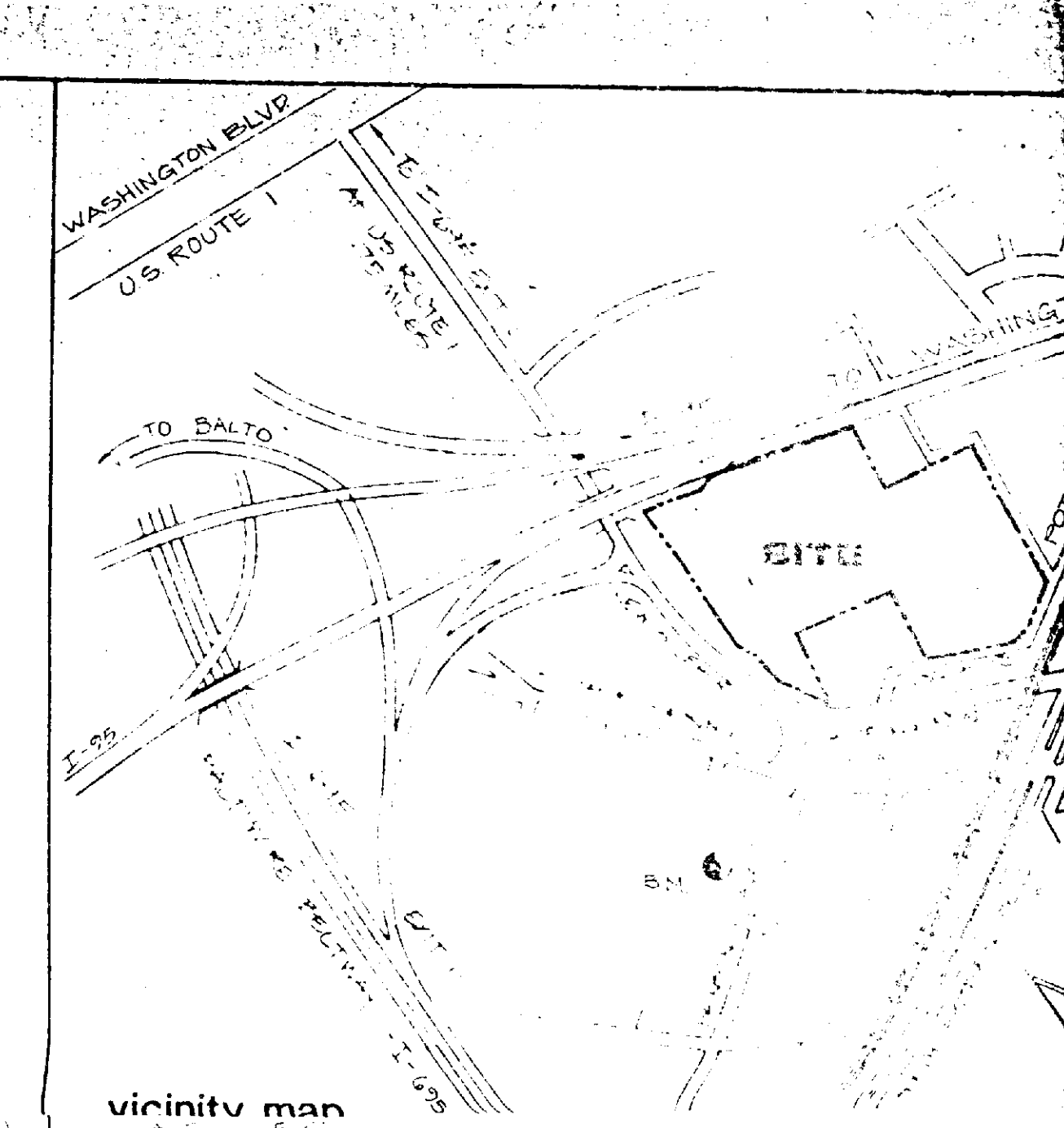
IN THE
CLEANOUT
BRO WOLLIN
DANESBICO
DARK SPACED
DAY (WALL HO)
DARK SPACES
REMOVED FOR
DAY 5 SECTION



~~TYPICAL SIAMESE
VAULT DETAIL~~
~~SEE N.F.P.A. STANDARD # 24
NO SCALE~~

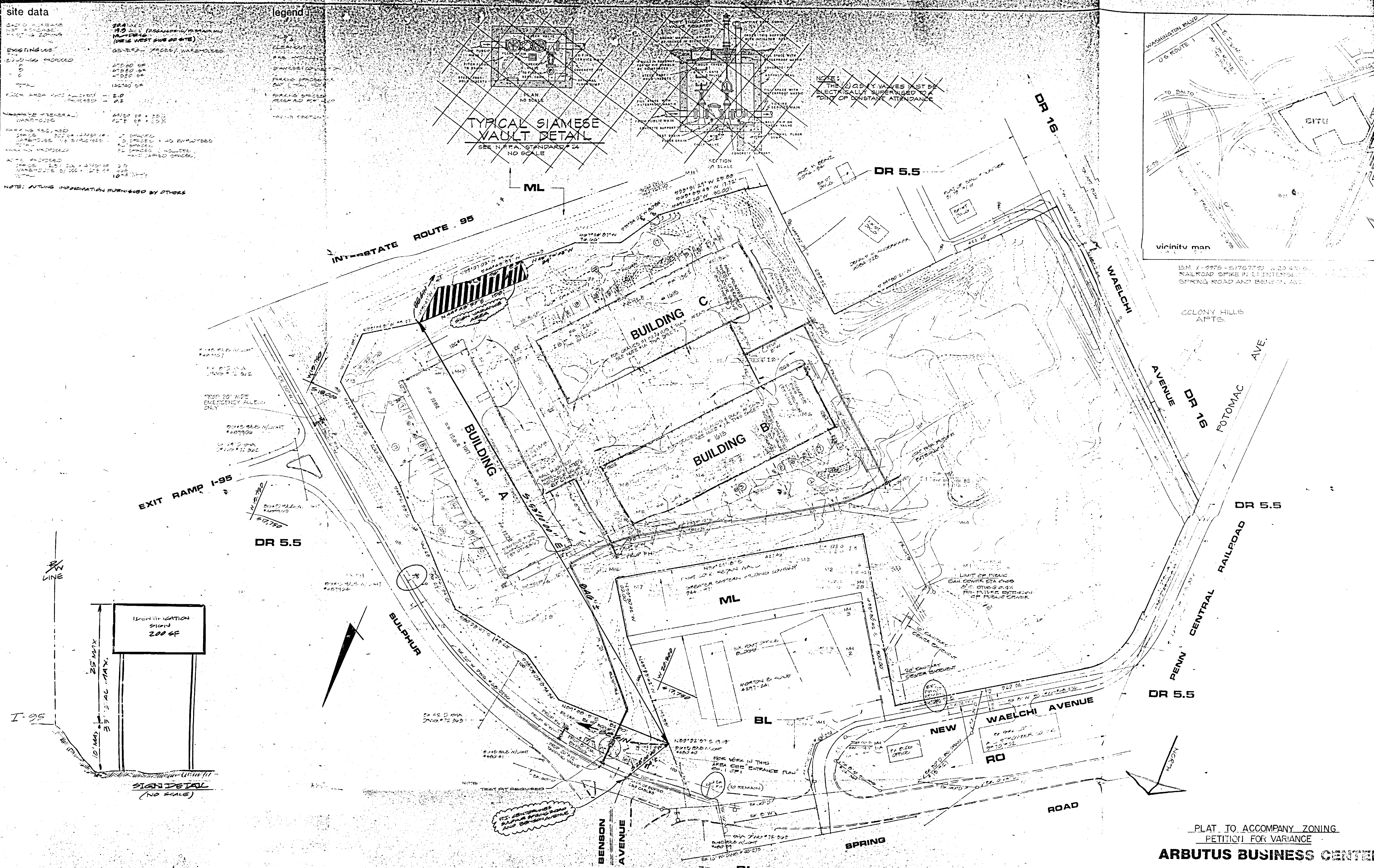


NOTE:
THE (2) O.S. Y. VALVES MUST BE
ELECTRICALLY SUPERVISED TO A
POINT OF CONSTANT ATTENDANCE



B.M. X-9975-51757790 W20 476.5
RAILROAD SPIKE IN E-INTERSECTION
SPRING ROAD AND BENSON AVE.


COLONY HILLS
APTS.



PLAT TO ACCOMPANY ZONING
PETITION FOR VARIANCE
ABBUTUS BUSINESS CENTER

BALTIMORE COUNTY, MD
13th ELECTION DISTRICT
MARCH 7, 1989


owner:
ARBUTUS BUSINESS CENTER, Co
10 PARKWAY CENTER



**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204



NOTE: #1A
ISLANDS ARE TO BE INCLUDED AT THE OPTION
OF THE OWNER. IF ISLANDS ARE
DELETED, FINISHED GRADES AT LOADING
DOCKS SHALL BE AS DIRECTED BY THE
OWNER AND AS APPROVED BY THE
REGISTERED CONSULTING GEOTECHNICAL
ENGINEER.

VARIANCE IS REQUESTED TO SECTION 412.6 F. TO PERMIT 1 200 SF PER FACE PARK IDENTIFICATION SIGN IN USE OF THE PERMITTED 150 SF PER FACE PARK IDENTIFICATION SIGN.

NOTE:
UTILITIES - CONTRACTOR TO COORDINATE ALL UTILITIES INCLUDING UNDERGROUND CONDUIT FOR TELEPHONE COMPANY CONDUIT FOR ELECTRICAL SERVICE FEEDING INTO METER ROOMS AND ANY UNDERGROUND STORM DRAINS.

NOTE: LOCATION OF CIRCLES PROVIDED BY VPC AND MARKING IN FIELD.